

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

GOVERNMENT EMPLOYEES INSURANCE  
CO., et al.,

Plaintiffs,  
—against—

BHARGAV PATEL, M.D., et al.,

Defendants.

Case No.: 1:23-cv-02835-KAM-PK

**DECLARATION OF JOHN P. MULVANEY, ESQ.**

1. I am an attorney with the law firm of Rivkin Radler LLP and am counsel for Plaintiffs, Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company, and GEICO Casualty Company (collectively “GEICO” or “Plaintiffs”), in this action. I have personal knowledge of the facts set forth in this declaration and would testify as to them in a court of law if called upon to do so.

2. I respectfully submit this declaration in support of Plaintiffs’ motion for an order, pursuant to Fed. R. Civ. P. 65 and the Court’s inherent power:

- (i) staying all No-Fault insurance collection arbitrations pending before the American Arbitration Association (“AAA”) and state court collection lawsuits that have been commenced by or on behalf of Defendant Patel Medical Care, P.C. (“Patel Medical”), pending disposition of GEICO’s claims in this action; and
- (ii) enjoining Patel Medical, and anyone acting or purporting to act of its behalf, from commencing any new No-Fault insurance collection arbitrations or state court collection lawsuits against GEICO, pending disposition of GEICO’s claims in this action.

3. Attached as Exhibit “1” is the Declaration of Kathleen Asmus, which discusses the pending and unpaid billing submitted by Patel Medical, including the bills that are the subject of active collections proceedings before the AAA or New York civil court.

4. Attached as Exhibit “2” is the decision from Judge Pamela Chen in Gov’t Emps. Ins. Co. v. Big Apple Med Equipment, Inc., et al., 1:20-cv-05786-PKC-SJC, D.E. 52 (E.D.N.Y. March 25, 2021).

5. Attached as Exhibit “3” is the decision from Judge Pamela Chen in Gov’t Emps. Ins. Co. v. Wallegood, Inc., 1:21-cv-01986 PKC-RLM, D.E. 36 (E.D.N.Y. July 16, 2021).

6. Attached as Exhibit “4” is the report and recommendation from Magistrate Judge Steven Gold in Gov’t Emps. Ins. Co. v. Axial Chiropractic P.C., 1:19-cv-05570-ENV-SMG, D.E. 56 (E.D.N.Y. April 27, 2020), report and recommendation adopted, Docket Order (July 29, 2020).

7. Attached as Exhibit “5” is the May 18, 2017, hearing transcript from State Farm Mut. Auto. Ins. Co. v. Jamaica Wellness Med., P.C., 1:16-cv-04948-FB-SMG (E.D.N.Y May 18, 2017).

I declare under penalties of perjury that the foregoing is true and correct.

Dated: Uniondale, New York  
November 24, 2023

/s/ John P. Mulvaney, Esq.  
John P. Mulvaney, Esq.